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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: JON M. BISHAY

APPLICATION NO.: 09/928,044

FILED: AUGUST 11, 2001

FOR: **METHOD AND APPARATUS FOR
DEPLOYING A PERCUTANEOUS PROBE**

EXAMINER: GEORGE R. EVANISKO

ART UNIT: 3726

CONF. NO: 7172

RECEIVED

MAY 05 2003

OFFICE OF PETITIONS

**Petition to Revive Unintentionally Abandoned
Application under 37 C.F.R. § 1.137(b)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

1. The applicant hereby petitions for revival of the above-identified application, which became abandoned for failure to file a Request to Rescind Previous Nonpublication Request within 45 days of filing a corresponding international application.

2. Reply Under 37 C.F.R. § 1.137(b)(1)

Enclosed herewith is a Request to Rescind Previous Nonpublication Request.

3. Reply Under 37 C.F.R. § 1.137(c)

Applicant's attorney hereby notifies the USPTO that a PCT application corresponding to the application identified above was filed on August 9, 2002.

4. Fee Under 37 C.F.R. § 1.137(b)(2)

Enclosed is a check covering the fee of \$650.00 under 37 C.F.R. § 1.17(m).

5. Statement Under 37 C.F.R. § 1.137(b)(3)

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional. Facts in support of this statement are provided in the enclosed Declaration of John M. Weckin.

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6. Duration of Abandonment (1203 OG 86-87, Oct. 21, 1997)

- ☒ This petition is being filed within 3 months of the date on which the applicant was first notified of the abandonment by a Notice of Abandonment because, to the best knowledge of applicant's attorney, no Notice of Abandonment has yet been mailed by the USPTO. Under current USPTO practice, further information regarding the abandonment is not required.
- ☐ This petition is being filed more than 3 months after the applicant was first notified of the abandonment, but within 1 year of the date of abandonment. Attached hereto is a statement by _____ explaining how the abandonment occurred and how it was unintentional.
- ☐ This petition is being filed more than 1 year after the apparent date of abandonment. Attached hereto is a statement by _____ explaining when the applicant or applicant's representative first became aware of the abandonment and how the delay in discovering the abandoned status occurred despite the exercise of due care or diligence on the part of the applicant or the applicant's representative.

7. Terminal Disclaimer under 37 C.F.R. § 1.137(b)(4) and (c)

- ☒ Since this application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ Since this application was filed before June 8, 1995, a terminal disclaimer is enclosed dedicating to the public a terminal part of the term of any patent granted hereon, and of any patent granted on a continuing application hereof, equivalent to the period of abandonment of this application.

8. Additional Fees

- ☒ Please charge any underpayment in fees for timely consideration of this Petition to Deposit Account No. 50-0665.

Date: April 30, 2003

Respectfully submitted,
Perkins Coie LLP


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